

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

The claims have been limited to a manhole cover having manhole cover plates. Basis for this is found throughout the specification.

Claim 5 has been cancelled and the subject matter thereof has been incorporated into Claim 1, which now further recites that the primary strengthening member extends generally parallel to the line of juxtaposition. As is described at lines 24-27 of page 7, the elongate rib 29 coincides with the diagonal 27 so as to reinforce the longest span of the larger cover plate 21 when the latter is supported across an aperture. This support is important in a manhole cover that must bear heavy loads.

Responsive to the rejection under 35 U.S.C. § 112, Claim 15 has been cancelled.

The claimed invention is directed to a manhole covering for an access aperture comprised of at least a pair of manhole cover plates of unequal sizes that are positioned one adjacent another along a line of juxtaposition to define at least part of the covering.

According to the invention, the larger of the pair of cover plates includes one or more primary strengthening members and at least a first auxiliary strengthening member, wherein the primary strengthening member is larger than the auxiliary strengthening member. The smaller of the pair of cover plates also includes at least one primary or auxiliary strengthening member. The smaller cover plate therefore contributes to the overall strength of the covering (page 3, lines 11-14).

Claims 1 and 3-20 were rejected under 35 U.S.C. § 103 as being obvious over Jenesky in view of Pate, and the newly cited U.S. patent 1,799,489 (West) which was cited to teach primary and auxiliary strengthening members. This rejection is respectfully traversed.

The claims now recite that the covering is a manhole cover having manhole cover plates. The load bearing requirements of such a manhole covering necessitate the primary and auxiliary strengthening members.

Janesky instead discloses a cover for a domestic basement sump. Such a cover is not a manhole cover. Moreover, one skilled in the art would never consider the Janesky cover to be equivalent or analogous to a manhole cover. As evidence of this, reference numeral 29 of Janesky denotes a water-level sensor (see for example Janesky, column 2, line 50) that protrudes above the upper surface of the Janesky covering. No designer of a manhole cover would ever contemplate using a design that has such a component protruding in the manner of the Janesky water-level sensor 29. Regardless of the type of traffic intended to traverse the covering, the water-level sensor 29 would present a safety hazard to such traffic.

Moreover the sensor 29 is a relatively delicate component that would readily become broken or damaged if the Janesky covering were to be used as a manhole covering.

The presence of the water-level sensor 29 makes clear that the disclosure of Janesky is not applicable to an environment in which the covering thereof encounters traffic and can be exposed to damage. In other words, Janesky contemplates only the domestic basement installation described in column 1, lines 6 to 8.

In view of the foregoing, it is evident that Janesky is not analogous art to manhole coverings. One skilled in the art therefore would not combine the teaching of Janesky with that of a manhole covering.

In any case, the combination of Janesky with Pate would not have led one skilled in the art to the invention as claimed. As Applicants had previously explained, the specification of Pate does not mention or describe element 47 of Fig. 6. It therefore apparently represents the result of a drafting error. In any case, the illustration of such an element in Fig. 6 does

not inherently teach a strengthening member since the feature labeled 47 in Fig. 6 could be a recess or groove, or even a marking.

The meter access lid 46 is described in considerable detail in column 3, lines 37 to 54 of Pate. Had the element 47 performed a technical function, this section of the Pate disclosure would have described this, but it does not. The part 47 clearly is unimportant to the functioning of the Pate arrangement, and is not a strengthening member on the smaller of two cover plates.

For at least the aforementioned reasons, the claims define over Janesky and Pate.

As for the further teaching of West, the Office Action deems that West discloses strengthening members on a manhole covering, and that it would have been obvious in view of West for one of skill in the art to configure Janesky, as modified in view of Pate, in the manner claimed. This is respectfully traversed.

Claim 1 now calls for the primary strengthening members to extend generally parallel to the line of juxtaposition between the cover plates. This can lead to greater strength in the manhole cover. West does not mention a line of juxtaposition, and so could not provide a teaching for this feature in Janesky as modified in view of Pate.

It is noted that the Office Action deemed that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have positioned the ribs in any orientation with respect to the line of juxtaposition.” However, the art of record provides evidence that this is incorrect. For example, the Biehlmeyer reference (DE 2906085; reference A1 cited in the International Search Report on the PCT application) discloses the state of the manhole cover art in the period before devising of the invention. Biehlmeyer discloses a manhole, including unequally sized cover plates. Three lines of juxtaposition 34 are shown in Figure 3.

Figure 1 of Biehlmeier is a cross sectional-view taken along line I – I of Figure 3.

Figure 2 is a cross-sectional view taken along line II – II. Comparison of Figures 1 and 2 reveals that the ribs 53, 54 have exactly the same profile and are located in the same position relative to the line of juxtaposition through which the ribs extend. This means that the ribs 53, 54 of Biehlmeier extend in a circular or at least arcuate pattern that is not parallel to the line of juxtaposition visible in Figures 1 and 2. In other words, the state of the art did not include ribs on both the larger and smaller cover plates in a way such that the primary strengthening members extend parallel to the line of juxtaposition. One skilled in the art therefore would not have devised the combination of features now claimed based on the state of the prior art. It follows that Claim 1 defines inventive subject-matter.

Dependent Claim 19 recites that the frame and each cover plate engage one another at three mutually spaced locations to define a non-rocking support for each cover plate. Applicants had previously pointed out that this is not taught in the cited references. It is noted that the Office Action had not responded to this argument.

Applicants therefore believe that the present application is in a condition for allowance and therefore solicit an early Notice of Allowability.

Respectfully submitted,

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